Bridget Bohac, Chief Clerk
Office of the Chief Clerk
Texas Commission On Environmental Quality.
P.O. Box 13087, MC-105
Austin, Texas 78711-3087
13 September 2013

Re: Permit No. WQ0015065001

In response to Executive Director's Response to Hearing Request, the requester submits the following. Specifically, the issue concerning the petitioner for this hearing is not a water quality issue but a water quantity, water rights, issue. Specifically, the right of the down stream property owner not to be inundated by alteration of natural drainage. This issue is appropriately directed to your office after reference by USDA NRCS(NRCS), successor to US SCS, and Texas State Soil and Water Conservation Board(TSSWCB).

Page 5, response 1. The issue is relevant in that the proposed discharge is not an existing water body in spite of Lennar Homes of Texas claims enhanced by drawing a line on the map. This "Pumpkin Gully" does not extend to the proposed site and the existing surface runoff from the proposed site drains to the Peach Creek to the east. "Pumpkin Gully" terminates approximately 550' north of the south property line of the proposed development. The lower reaches of "Pumpkin Gully" are at worst an intermittent stream as defined by both of the NRCS and TSSWCB. I suggest that:

A) It is provable that "Pumpkin Gully" does not extend to any path suggested by Lennar Homes of Texas.
B) None of the three proposed alternative channels for this drainage mimic the natural drainage.
C) The application for waste water discharge contains incorrect representations.
D) The requested discharge permit will be used to substantially alter native drainage patters on the subject property.
E) The downstream land owners will be subjected to daily outflows that will exceed most monthly outflows resulting in substantial erosion of the unsterilized soil.
F) The result will be increased siltation in Caney Creek, Lake Houston, and the Houston Ship Channel.

The below discussion can be developed for each of the Lennar Homes of Texas proposed alternative channels. Each seeks to alter the natural drainage of the TCEQ permitted property in the same way.

Please consider attachment 1) an overview of the proposed development site east of US Hwy 59. There are several relevant features on this image. First are the existing creeks, shown in blue. Second are the surface expressions of subterranean faults shown as white traces. These faults define local relative 'highs' and, with the exception of times of flood will be shown to control run off from the current TCEQ approved site. These local

relative 'highs' also limit drainage areas. So for instance, drainage passing under US59 from the west and south of the east west trending fault drains south to the corner of Comer Reinhart Rd. Surface drainage from North of the East West trending relative high and to the East of US 59 drains to the east and ultimately into Peach Creek. Some portion of the subsurface flow ultimately percolates to Caney Creek. To understand the soil percolation please refer to the Soil Survey of Montgomery County, TX. USDA publication. http://soildatamart.nrcs.usda.gov/Manuscripts/TX339/0/Montgomery.pdf and http://soildatamart.nrcs.usda.gov/Manuscripts/TX339/0/Maps/Index.pdf sheets 68 and 78.

This image also includes orange features that are eroded clay benches that were contained in laminated fine sand deposits. The local dip of these benches, most probably resulting from the faulting, is to the Southeast..

Attachment 2) represents an arbitrary cross sectional grid based on SRTM geospatial data. The horizontal sample accuracy of the base grid is +/- 45m and relative vertical accuracy projected to a given indicated line should be greater than 0.5m given that each degree of the great circle constitutes approximately 58 miles . This is sufficient to identify drainage paths. This attachment also shows the locations of the TCEQ permitted site and the F.J Foulks property.

Attachment 3) shows the two West to East cross sections South of the TCEQ approved site. Notice the elevation increase to the West (left) immediately adjacent to the site.

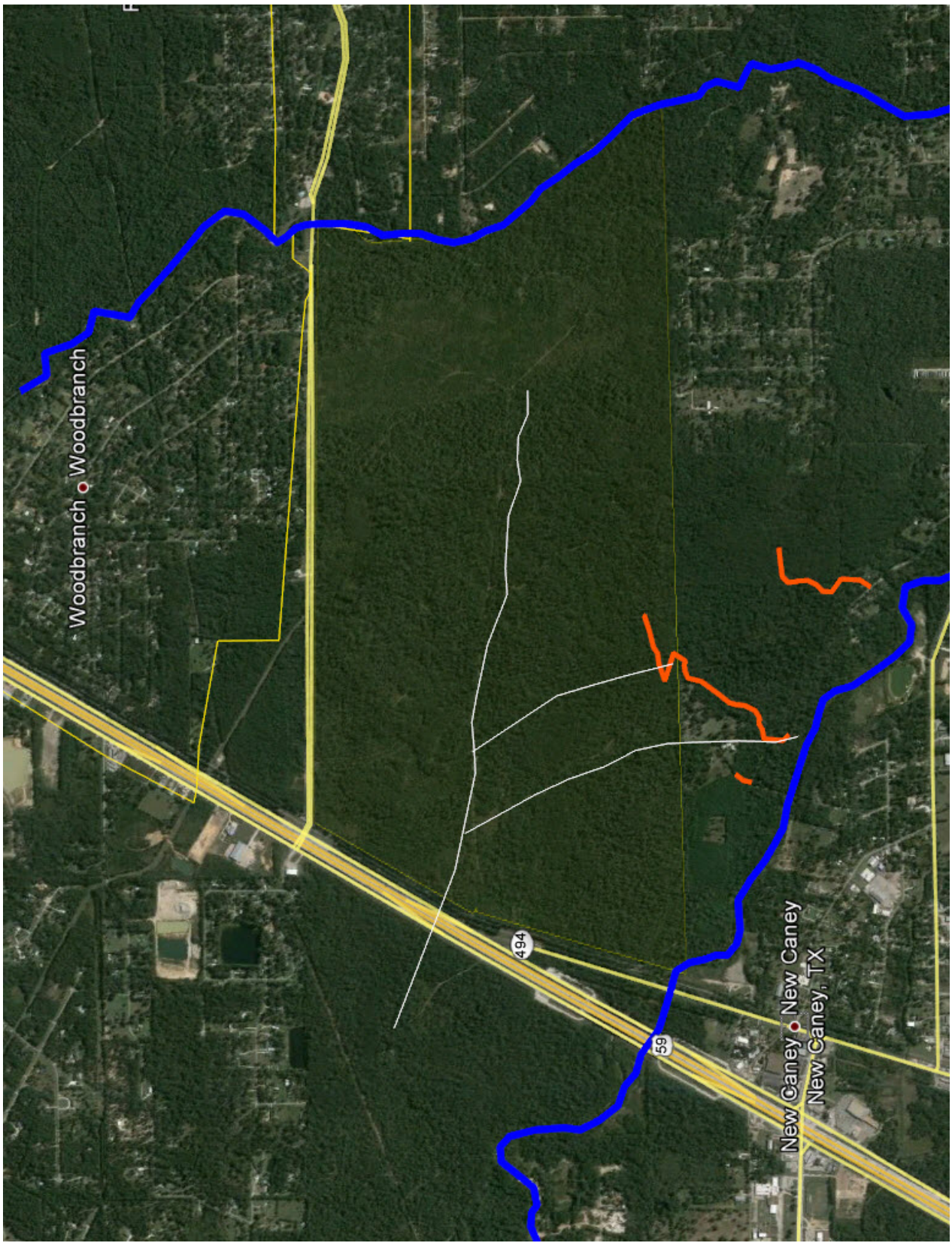
Attachment 4a) and 4b) show the South to North cross sections through the site and to both the east and west. Notice the increase in elevation to the west of the TCEQ approved site.

Attachment 5) illustrates the positions of the cross sections of Attachments 4a) & 4b). This image also illustrates the proximity of the TCEQ approved site to the estimated flood plane of Peach Creek.(the black line)

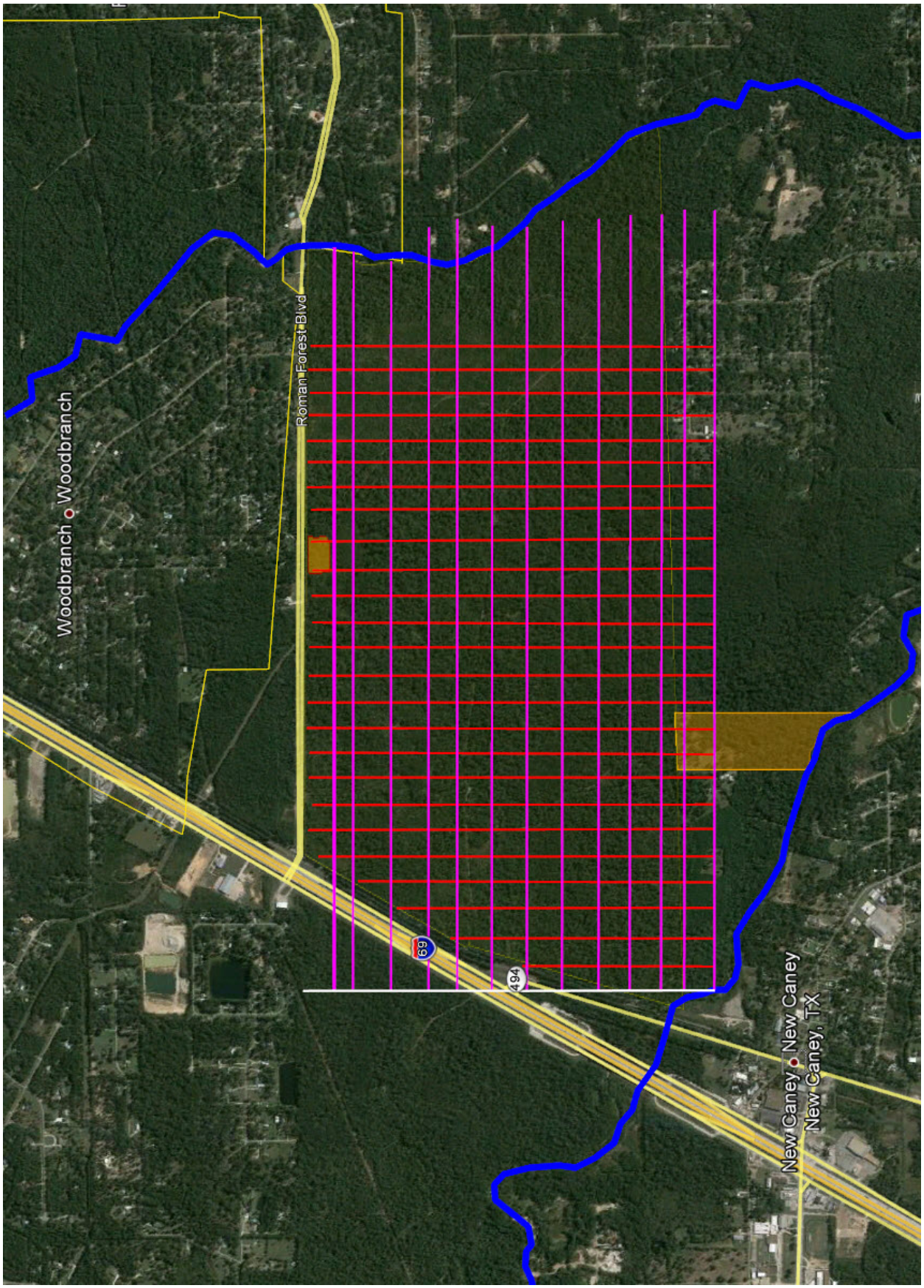
Attachment 6) is a mid property West to East cross-section illustrating the absence of "Pumpkin Gully" and the presence of other erosive features to the west of the drainage path proposed by Lennar Homes of Texas in their permit application.

Attachment 7) compares a Lennar Homes of Texas south boundary cross section with the mid property cross section of Attachment 6) illustrating that there is no path using natural drainage courses to route any of the proposed alternatives into "Pumpkin Gully" from the TCEQ approved site.

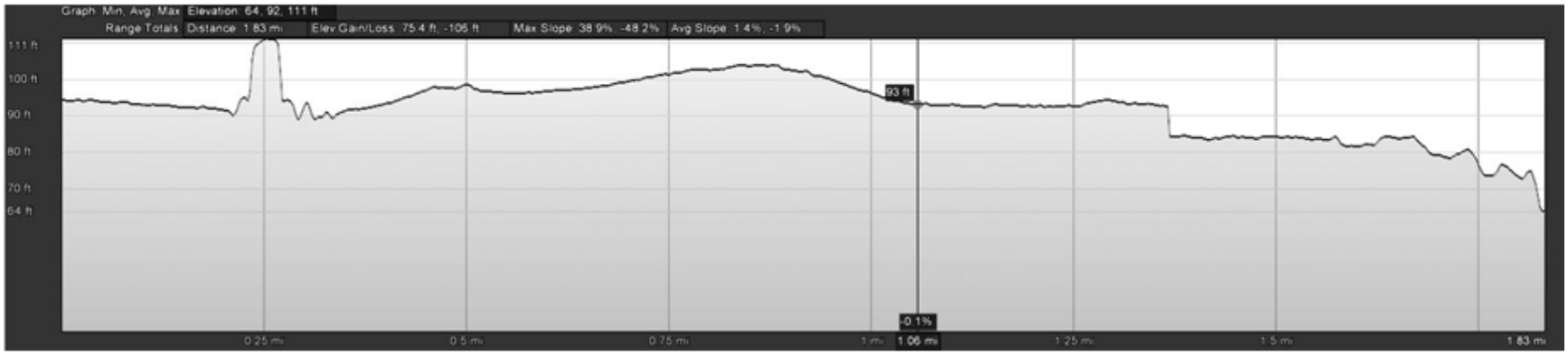
1) Overview Between Caney Creek and Peach



2) Overview Cross Section Grid



Roman Forest Blvd. Parallel (northern most) – WEXsection RF Blvd Parallel

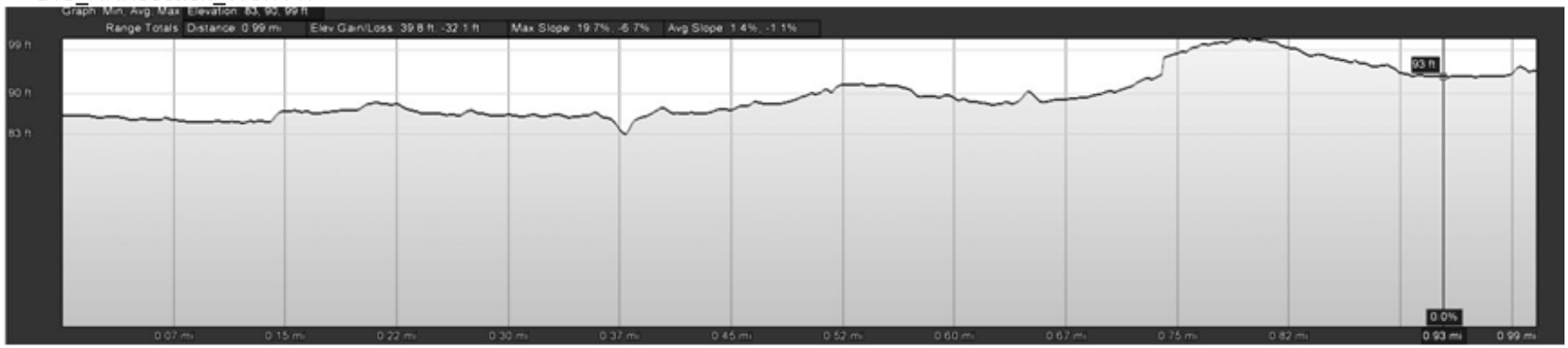


Roman Forest Blvd. Parallel (2nd northern most) – WEXsection RF Blvd 2 Parallel

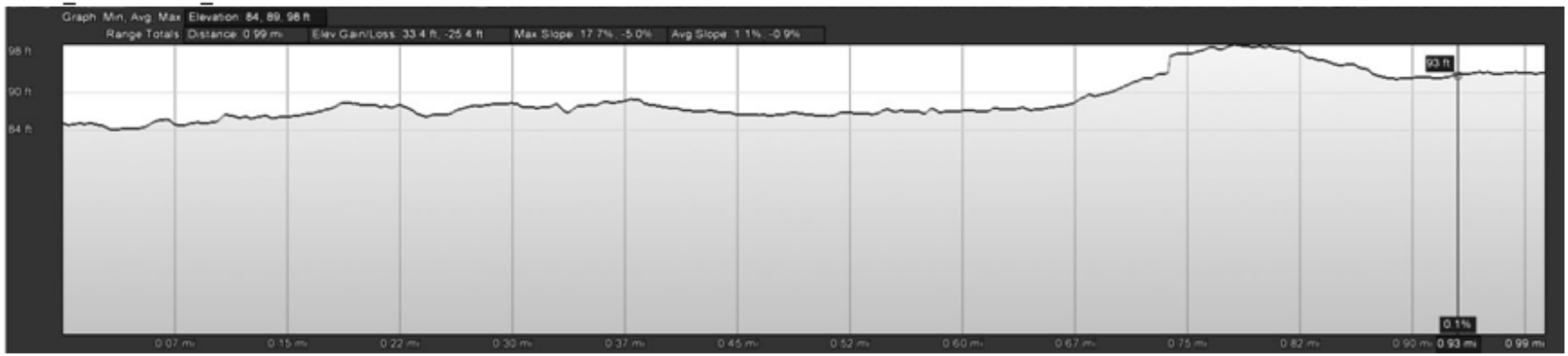
3) Roman Forest Blvd – Parallels South of Site

South to North Sections-West of Site

S15_XNXsection_WofWTP



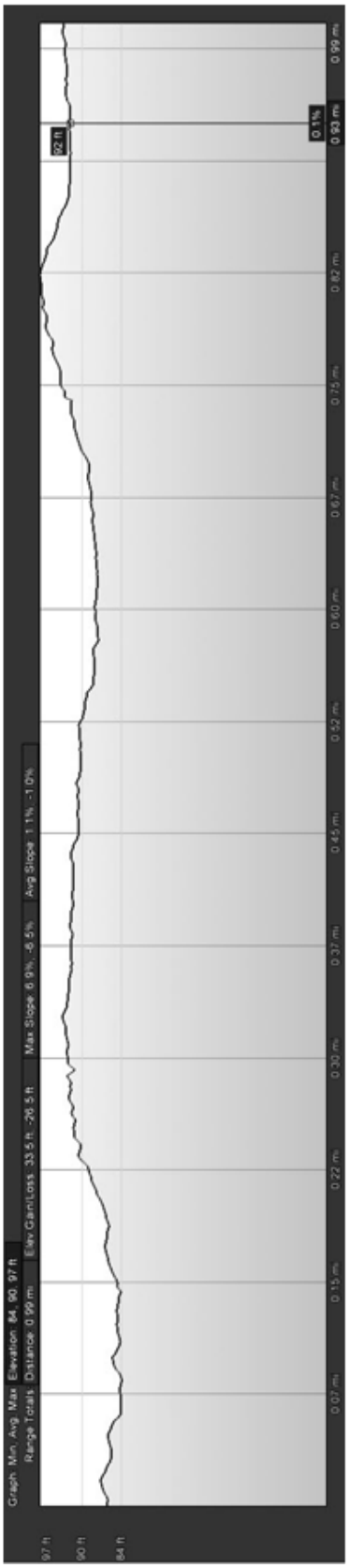
S16_XNXsection_WofWTP



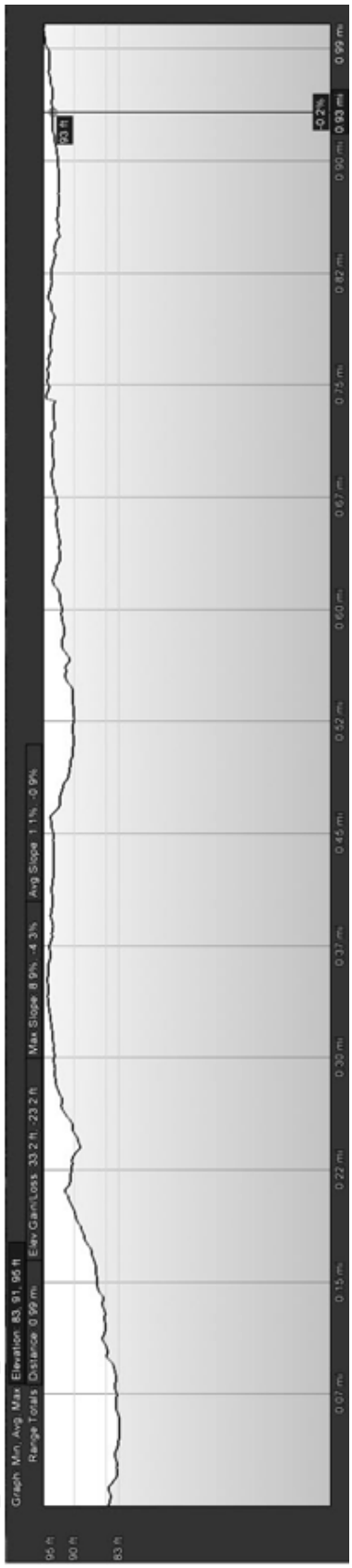
4a) West of Site

South to North Sections-East of Site

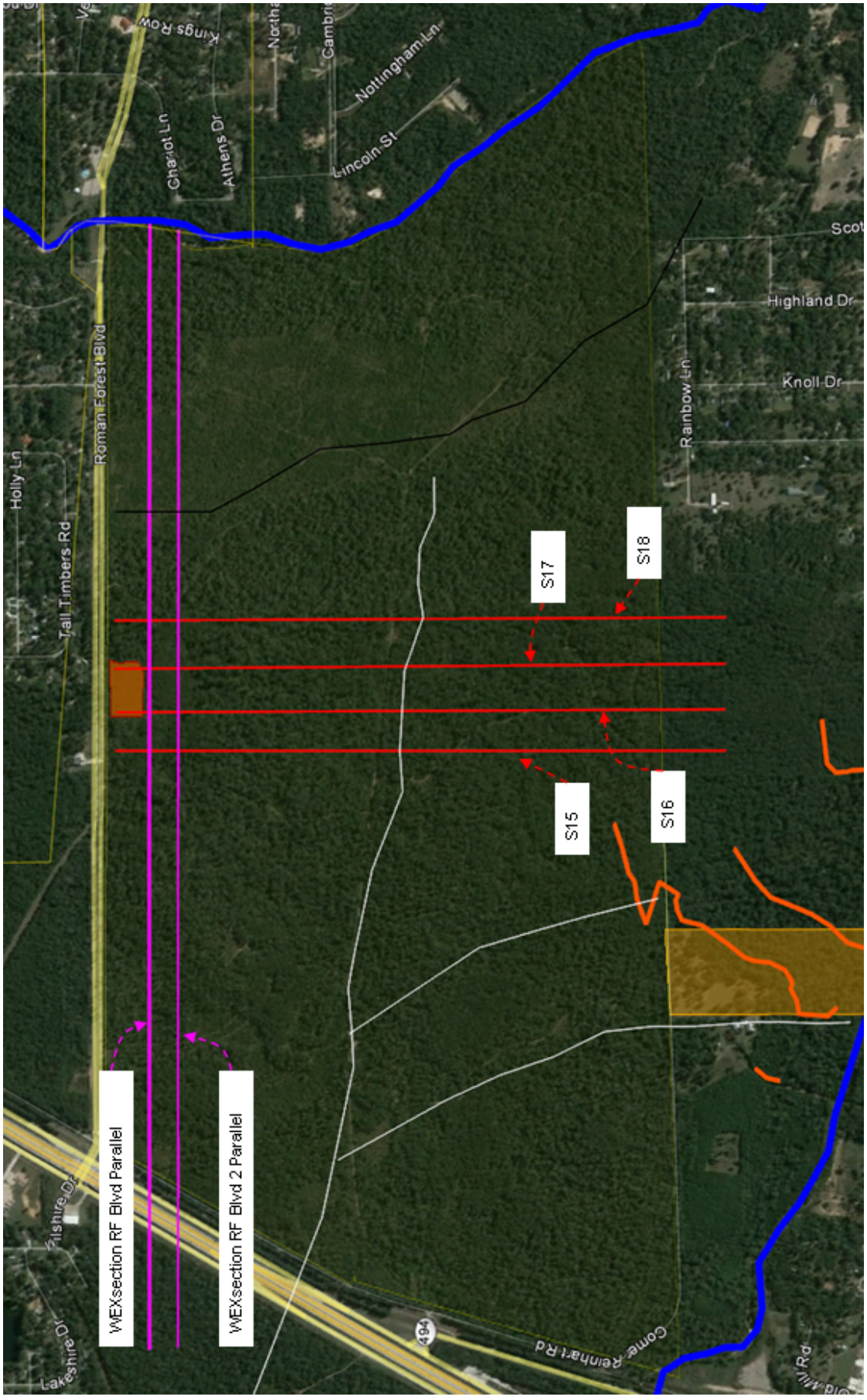
S17_XNXsection_EofWTP



S18_XNXsection_EofWTP



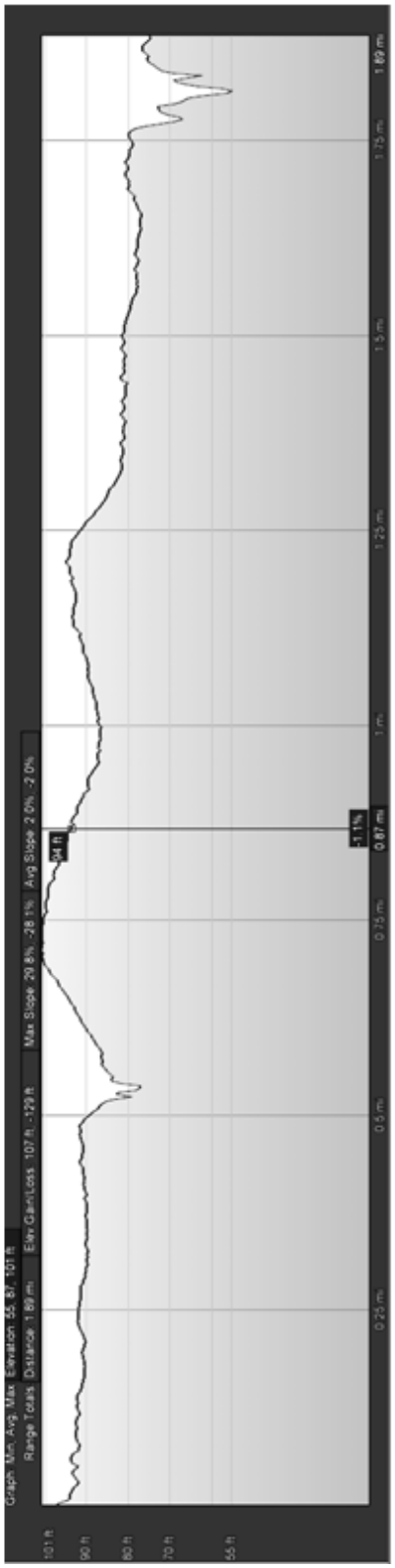
4b) East of Site



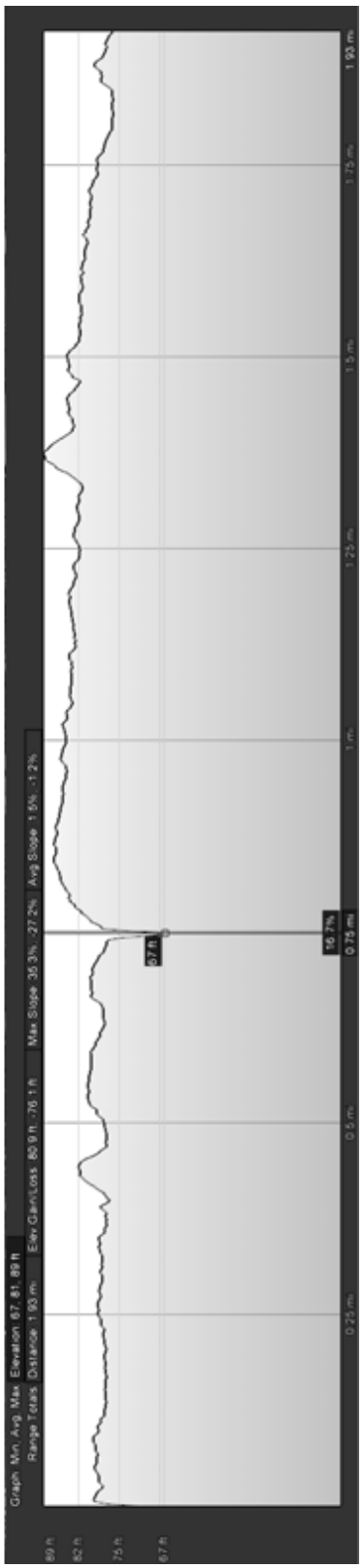
5) Chosen Sections

6) Mid property section

Mid Point EW Crosssection from Attachment 6)



Crosssection at Lennar Homes of Texas South property line



7) Mid property section